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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,558	03/22/2001	Lawrence H. Lazarus	209897	4487

23460 7590 04/08/2002

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

LUKTON, DAVID

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 04/08/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/814558

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

10

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding sequence listings.

Pursuant to the directives of paper No. 9 (file 3/25/02), claims 10 and 20 have been amended. Claims 1-20 are pending, of which claims 11-18 remain withdrawn from consideration.

Applicants' arguments will be addressed after sequence listing errors have been corrected.

\*

The communication filed 3/25/02 is not fully responsive to the Office communication mailed 9/28/01 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before examination of the application can be continued.

Since the above-mentioned reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

\*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton. Phone: (703) 308-3213.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



**DAVID LUKTON  
PATENT EXAMINER  
GROUP 1820**

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office. (The disks are being irradiated by electron bombardment and are showing up melted, unreadable, and or crazed).

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS - Bio  
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual  
- ePAVE)

2. Mailed to:  
U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
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2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:  
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Arlington, Virginia 22202

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
  - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
  - Email: [PATIN21HELP@uspto.gov](mailto:PATIN21HELP@uspto.gov)
  - To purchase PatentIn software: (703) 306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

MAR 25 2002

TECH CENTER 1600/2900

## Raw Sequence Listing Error Summary

165

ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: 09/814,558
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE		
1 <input type="checkbox"/> Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 <input type="checkbox"/> Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 <input type="checkbox"/> Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 <input type="checkbox"/> Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 <input type="checkbox"/> Variable Length	Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 <input type="checkbox"/> PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 <input type="checkbox"/> Skipped Sequences (OLD RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped  Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 <input type="checkbox"/> Skipped Sequences (NEW RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 <input type="checkbox"/> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa; and which residue n or Xaa represents.	
10 <input type="checkbox"/> Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence	
11 <input checked="" type="checkbox"/> Use of <220>	Sequence(s) <u>Alf</u> missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 <input type="checkbox"/> PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 <input type="checkbox"/> Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.	



**Does Not Comply** 1653  
**Corrected Diskette Needed**

## RAW SEQUENCE LISTING

DATE: 03/14/2002

PATENT APPLICATION: US/09/814,558

TIME: 14:12:03

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\03142002\I814558.raw

3 <110> APPLICANT: Lazarus, Lawrence H  
4 Salvadori, Severo  
6 <120> TITLE OF INVENTION: DMT-TIC DI- AND TRI-PEPTIDIC DERIVATIVES AND RELATED  
COMPOSITIONS AND

7 METHODS OF USE

9 &lt;130&gt; FILE REFERENCE: 209897

11 &lt;140&gt; CURRENT APPLICATION NUMBER: 09/814,558

12 &lt;141&gt; CURRENT FILING DATE: 2001-03-22

14 &lt;160&gt; NUMBER OF SEQ ID NOS: 9

16 &lt;170&gt; SOFTWARE: PatentIn version 3.1

18 &lt;210&gt; SEQ ID NO: 1

19 &lt;211&gt; LENGTH: 5

20 &lt;212&gt; TYPE: PRT

21 &lt;213&gt; ORGANISM: Artificial Sequence

23 &lt;220&gt; FEATURE:

24 &lt;223&gt; OTHER INFORMATION: Artificial Sequence/Unknown

26 &lt;220&gt; FEATURE:

27 &lt;221&gt; NAME/KEY: misc\_feature

28 &lt;222&gt; LOCATION: (2)..(2)

29 &lt;223&gt; OTHER INFORMATION: "Ala" = D-isomer

32 &lt;220&gt; FEATURE:

33 &lt;221&gt; NAME/KEY: misc\_feature

34 &lt;222&gt; LOCATION: (4)..(4)

35 &lt;223&gt; OTHER INFORMATION: "Phe" = N-methylphenylalanine

38 &lt;400&gt; SEQUENCE: 1

40 Tyr Ala Gly Phe Gly

41 1 5

44 &lt;210&gt; SEQ ID NO: 2

45 &lt;211&gt; LENGTH: 5

46 &lt;212&gt; TYPE: PRT

47 &lt;213&gt; ORGANISM: Artificial Sequence

49 &lt;220&gt; FEATURE:

50 &lt;223&gt; OTHER INFORMATION: Artificial Sequence/Unknown

52 &lt;220&gt; FEATURE:

53 &lt;221&gt; NAME/KEY: misc\_feature

54 &lt;222&gt; LOCATION: (2)..(2)

55 &lt;223&gt; OTHER INFORMATION: "Ala" - D-isomer

58 &lt;220&gt; FEATURE:

59 &lt;221&gt; NAME/KEY: misc\_feature

60 &lt;222&gt; LOCATION: (4)..(4)

61 &lt;223&gt; OTHER INFORMATION: "Phe" - D-isomer

64 &lt;400&gt; SEQUENCE: 2

66 Tyr Ala Gly Phe Met

67 1 5

unacceptable  
- must explain genetic source  
see error summary sheet, item 11

## RAW SEQUENCE LISTING

DATE: 03/14/2002

PATENT APPLICATION: US/09/814,558

TIME: 14:12:03

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\03142002\I814558.raw

70 <210> SEQ ID NO: 3  
71 <211> LENGTH: 7  
72 <212> TYPE: PRT  
73 <213> ORGANISM: Artificial Sequence  
75 <220> FEATURE:  
76 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
78 <220> FEATURE:  
79 <221> NAME/KEY: misc\_feature  
80 <222> LOCATION: (2)..(2)  
81 <223> OTHER INFORMATION: "Ala" = D-isomer  
84 <400> SEQUENCE: 3  
86 Tyr Ala Phe Glu Val Val Gly  
87 1 5  
90 <210> SEQ ID NO: 4  
91 <211> LENGTH: 7  
92 <212> TYPE: PRT  
93 <213> ORGANISM: Artificial Sequence  
95 <220> FEATURE:  
96 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
98 <220> FEATURE:  
99 <221> NAME/KEY: misc\_feature  
100 <222> LOCATION: (2)..(2)  
101 <223> OTHER INFORMATION: "Ala" = D-isomer  
104 <400> SEQUENCE: 4  
106 Tyr Ala Phe Gly Tyr Pro Ser  
107 1 5  
110 <210> SEQ ID NO: 5  
111 <211> LENGTH: 5  
112 <212> TYPE: PRT  
113 <213> ORGANISM: Artificial Sequence  
115 <220> FEATURE:  
116 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
118 <220> FEATURE:  
119 <221> NAME/KEY: misc\_feature  
120 <222> LOCATION: (1)..(1)  
121 <223> OTHER INFORMATION: "Tyr" = 2',6'-dimethyltyrosine  
124 <400> SEQUENCE: 5  
126 Tyr Phe Gly Val Val  
127 1 5  
130 <210> SEQ ID NO: 6  
131 <211> LENGTH: 5  
132 <212> TYPE: PRT  
133 <213> ORGANISM: Artificial Sequence  
135 <220> FEATURE:  
136 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
138 <220> FEATURE:  
139 <221> NAME/KEY: misc\_feature  
140 <222> LOCATION: (2)..(2)  
141 <223> OTHER INFORMATION: "Ala" = D-isomer



## RAW SEQUENCE LISTING

DATE: 03/14/2002

PATENT APPLICATION: US/09/814,558

TIME: 14:12:03

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\03142002\I814558.raw

144 <400> SEQUENCE: 6  
146 Tyr Ala Phe Trp Tyr  
147 1 5  
150 <210> SEQ ID NO: 7  
151 <211> LENGTH: 7  
152 <212> TYPE: PRT  
153 <213> ORGANISM: Artificial Sequence  
155 <220> FEATURE:  
156 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
158 <220> FEATURE:  
159 <221> NAME/KEY: misc\_feature  
160 <222> LOCATION: (2)..(2)  
161 <223> OTHER INFORMATION: "Ala" = D-isomer  
164 <400> SEQUENCE: 7  
166 Tyr Ala Phe Trp Tyr Pro Lys  
167 1 5  
170 <210> SEQ ID NO: 8  
171 <211> LENGTH: 5  
172 <212> TYPE: PRT  
173 <213> ORGANISM: Artificial Sequence  
175 <220> FEATURE:  
176 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
178 <220> FEATURE:  
179 <221> NAME/KEY: misc\_feature  
180 <222> LOCATION: (2)..(2)  
181 <223> OTHER INFORMATION: "Cys" = 3,3-dimethyl-o-(-)-cysteine  
184 <220> FEATURE:  
185 <221> NAME/KEY: misc\_feature  
186 <222> LOCATION: (5)..(5)  
187 <223> OTHER INFORMATION: "Cys" = 3,3-dimethyl-o-(-)-cysteine  
190 <400> SEQUENCE: 8  
192 Tyr Cys Gly Phe Cys  
193 1 5  
196 <210> SEQ ID NO: 9  
197 <211> LENGTH: 6  
198 <212> TYPE: PRT  
199 <213> ORGANISM: Artificial Sequence  
201 <220> FEATURE:  
202 <223> OTHER INFORMATION: Artificial Sequence/Unknown  
204 <220> FEATURE:  
205 <221> NAME/KEY: misc\_feature  
206 <222> LOCATION: (2)..(2)  
207 <223> OTHER INFORMATION: The First "Met" = D isomer  
210 <400> SEQUENCE: 9  
212 Tyr Met Phe His Leu Met  
213 1 5

**VERIFICATION SUMMARY**

PATENT APPLICATION: US/09/814,558

DATE: 03/14/2002

TIME: 14:12:04

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\03142002\I814558.raw